

16  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

Floyd E. Patterson Jr.

(In the space above enter the full name(s) of the plaintiff(s).)

16 1604

- against -

Janine L. Quigley "Warden"

Kevin S. Barnhart "county Commissioner"

Mark C. Scott Esq. "county Commissioner"

Christian V. Leinback "commissioner chair"

Lt. Castro

COMPLAINT

under the  
Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)

Jury Trial:  Yes  No  
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Floyd Edward Patterson Jr.  
ID # ME0075  
Current Institution SCI Somerset SCI Somerset  
Address 1600 Walters Mill Rd  
Somerset, PA 15510

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Janine L. Quigley Shield # Warden  
Where Currently Employed Berks County Jail / Prison  
Address 1287 County Welfare Road  
Leesport, PA 19533

Defendant No. 2 Name Kevin S. Barnhart "county commissioner"  
Where Currently Employed Berks County Jail / Prison  
Address 1287 County Welfare Road  
Leesport, PA 19533

Defendant No. 3 Name Mark C. Scott Esq. "county commissioner"  
Where Currently Employed Berks County Jail / Prison  
Address 1287 County Welfare Road  
Leesport, PA 19533

Defendant No. 4 Name Christian Y. Leinback "commissioner chain"  
Where Currently Employed Berks County Jail / Prison  
Address 1287 County Welfare Road  
Leesport, PA 19533

Defendant No. 5 Name Levitant "Lt." Castro Shield #  
Where Currently Employed Berks County Jail / Prison  
Address 1287 County Welfare Road  
Leesport, PA 19533

**II. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? Berks County  
Jail / Prison

B. Where in the institution did the events giving rise to your claim(s) occur? All of the  
housing unit blocks, and throughout the entire Jail.

C. What date and approximate time did the events giving rise to your claim(s) occur? Feb 14<sup>th</sup>  
2014 to July 28, 2015

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

D. Facts: The defendants are the assailants in this matter, because all of the defendants hold a position to be reported to or have the power to investigate and make a change. The claims stated in this suit all occurred at the Berks County Prison from Feb 14, ~~2014~~<sup>2014</sup> to July 28, 2016. The violations that will be proven in this claim are as follows: The 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendment rights, along with the prisons policy for zero tolerance concerning Sexual Harassment/Assault, and poor living conditions. Lets not forget the right to medical service and proper care. I have attached to the back of this page marked as section D part 2, a paragraph summary of each event that has taken place along with a list of witness's who will vouch for anyone of the violations or all if need be. Each witness has established his own paper trial via grievance and appeal system. I hope and pray that after all is said and done, that my case and claims would be heard in court due to the seriousness of these issues and claims. Something has to be done or else the murder rate or death toll in Berks County Prison will escalate. A single parented Mother's death was already covered up, when she "she being the mother" reported chest pains which is a medical emergency, and was told by lazy personnel to sumbit a request slip only to have the Mother found dead the next morning. All this took place at Berks County Prison.

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Injury to my left hand, damage is still noticeable, all I received was an X-ray and pain meds, when I obviously needed better treatment. Lower back pain worsen to the point of me supposed to be scheduled for an (MRI) + (CAT Scan), but it never happened. ankle Injury was totally Ignored, foot was swollen in 3 different spots even E.O.'s was worried about the damaged done but all I received was Ice packs and a X-ray, no serious medical help was ever given. Chest pains and breathing problems were Ignored. No treatment period for the sexual Assault/harassment.

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

Section D part 2:

03-16-16

1) Freedom of speech & religion

The violation of such a right is very easily accomplished and practiced by Berks County Jail/Prison personnel via punishments of all variety's, placed upon it's human inhabitance called Inmates/Detainees. Punishment for using such rights are issued out by Berks County Jail/Prison "BCP/BCJ" via Unit Actions. Assault, harassment, removal from any activity, or solitary confinement. When such events transpires and a (SRGT/Lt) is asked for, our rights by prisoner's law is either denied or totally ignored. If anything the officers of higher rank try to cover their friends and fellow officer's mistakes. Being free from discrimination of religion and or speech is impossible in (BCS/BCP) due to the prejudicism and hatred involved

to the Islamic religion which all boards down to the lack of control and preffessionalism exhibited by (BCS/BCP) personnel. How and in what way is it preffessional to have special operation Group "SOCI" officers standing over muslims during Jumal service's with their fingers on the triggers of their drawn guns. It's a degrading and disrespectful show of hatred to the Islamic Religion and the Islamic Community's, treating us all as terrorist or prisoneis of war.

2) Sexual Assault/harrasment

I have gone through numerous sexual assault/ harrasment issue's while being incarcerated period. But none of the other's amount to what transpired and goes on in (BCJ/BCP). After all the correct personnel have been notified of me being sexually Assualted as a child, I became a victim of torment and cruel Jokes.

From multiple unnecessary Strip searches by correctional officers who makes crude and unsavory request, to penis being drawn on my grievances. When notifying unit officers I was dilibertly laughed at and harrased. Due to it being a

older woman that victimized me in my youth, my sexuality has come into question and a known focus point of torment. And when I reached out to phycology and the counselor of my unit, I was ignored and brushed under the carpet as if a woman taking advantage of a young man is acceptable and not worth their attention. As if me being sexually assaulted/harrased in their Jail is not serious. (BCJ/BCP) is so cruel in there practice that officers walk in and out of inmates cell while they are sleep, and when events are reported, its correctional officers words over an inmate who are believed to be trouble maker and a nuisance. We are forced by (BCJ/BCP) policy to obey any order given or we get severely punished. Cry's for help are ignored in (BCP/BCJ).

### 3.) Poor living Conditions:

The BCP/BCJ houses its inhabitanee in a very poor and endangering living enivroment. The Inmates / Detainees of BCP/BCJ including those of its employees are surrounded by black mold. Which is a health hazzard that's Known to cause (Bronchitis, sever allergic reactions, and also lung disease and death) upon a substantial amount of exposure time. Inmates are forced to clean the black mold infested cells with inadequate products and protection, a few inmates are even forced to sleep, eat, and live in the black mold infested cells. Another issue is that the Inmates / Detainees are forced to live and eat in an area of repulsive confinement that house there toilet in under an arm reach length away. Another issue is the ~~rodent~~ rodent infestation, leaky roofs, and other carpentry errors caused by the lazy and Ignorant personal of (BCP/BCJ) committee. (BCP/BCJ) care's so little for their inhabitanee safety and well being, that fire damage bricks are painted over instead of replaced.

4.) Medical Care Failure:

03-16-16

I have had everything from personal injury's being ignored, Medication malfunction, to prejudice and retaliation via the removal of my medication done to me. And to be completely honest, those claims amount to nothing compared to the system and silent understanding acknowledge by both medical and (BCP/BCS) personnel to assist each other in the hiding of illegal activity's and assaults done to the Inmates / Detainees. Some medical persons would like to speak out but the fear of losing their jobs keeps them silent.

5.) Retaliations:

With all the previously numerical statements and more complained about via grievance system, I have received retaliations of all its possible forms. From loss of Job, Vandalism of grievances, Unit Actions, "physical, sexual, and mentally assaulted and harassed", life endangerment, unprofessional and indecent searches of both cell and body, and punishment via food loaf.

Inmate Witness's

- Kedar McHadi
- Michael Williams
- Pedro Encarnacion
- Rodi Olivencia
- Ivan Perez
- Michael Santos
- Omar Altron
- Michael Reaves

Employee Witness's

- CO. Kennedy
- CO. Eltrich
- CO. Nowakshi
- SGT. Douglas
- SGT. Buttersworth

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes  No \_\_\_\_\_

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Bucks County Jail/Prison

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes  No \_\_\_\_\_ Do Not Know \_\_\_\_\_

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes  No \_\_\_\_\_ Do Not Know \_\_\_\_\_

If YES, which claim(s)? All of my claims

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes  No \_\_\_\_\_

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

In Bucks County Jail/Prison System

1. Which claim(s) in this complaint did you grieve? All claims were grieved and established in hopes to make a sufficient paper trail.
2. What was the result, if any? None, only disrespectful, unprofessional, antagonizing, and yes sexual response's that amounted to nothing.
3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. I wrote to the warden of the jail as the policy of the grievance process at Bucks County Jail/Prison requires. I tried verbally attempts to talk with personnel. I wrote to the Department of Corrections. I tried everything in my power besides going to the media, to remedy and exhaust these issues.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: Some  
things  
could not be grieved or deem grievable by company  
policy. For instance the sexual assault and harassment incidents  
had to be reported, which I did, but was brushed under the carpet.  
And every unit Actions was deemed a non-grievable issue.
2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: Multiple officers including  
Mike Kennedy and "Howie Halski" (name might be spelled wrong), about  
me getting a grievance book with a pris on it. I also went  
and informed the warden, to no avail.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. The Grievance coordinator that I wrote is named Janelle  
Orcloway. I would like to be promptly notified if the Jail  
claims to have lost paperwork because I mailed my copy's  
to a safe place.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). All reliefs are understandable and fair,  
while also focused on Bettering (BCP/BCJ) for its inhabitants and employees. The  
obvious reliefs are as followed: A ban placed on guns being present at  
Religious services, Contract a prisoner's right member as grievance coordinator,  
Invest in a feeding area, Allow inmates one free copy of every piece of medical  
records to get a second option, Ban the use of food loaf as punishment,  
Allow hearings for unit Actions, Contract an outside vendor to oversee all

sexual Assaults/harassment issues, Invest in rebuilding parts of the damaged Jail.

Monetary Compensation -

total is \$2,000,000.00, \$1,100,000.00 for medical expenses, lifetime damage, lifetime therapy, mental/sexual assault and harassment. \$750,000.00 intotal for each right violated of a \$150,000.00 a piece. And \$150,000.00 to be donated between Islamic non-profit organization for the total disrespect, degrading, belittling, and prejudice assault given to the Islamic religion.

I believe what I ask for is reasonable, \$1,100,000.00 is neither over the top or under the estimate amount that will be need to do as reasons state to be done. \$750,000.00 is reasonable due to the violation of 5 Amendments, which is disrespect not only to me as a victim but also the representatives, and government of the United States which issued these laws to be obeyed. The \$150,000.00 donated to Non-profit Islamic organization is necessary to make amends for the disrespect and violations of the religion it's self. I only ask what is due to me for having damage done, and having to live with such damage and knowledge.

**VI. Previous lawsuits:**

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes  No

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format. )

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes  No

If NO, give the approximate date of disposition \_\_\_\_\_

On  
these  
claims

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C.** Have you filed other lawsuits in state or federal court?

Yes \_\_\_\_ No

**D.** If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_ No \_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16 day of March, 2016.

Signature of Plaintiff  \_\_\_\_\_

Inmate Number #MCO075 \_\_\_\_\_

Institution Address SCI Somerset  
1600 Walters Mill Rd.  
Somerset, PA 15510  
\_\_\_\_\_

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 16 day of March, 2016, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: Floyd Patterson Jr.

Floyd Patterson #MC0075  
1600 Walters Mill Rd  
Somerset, PA 15510